

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re: BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff,

Plaintiff,

v.

BAM L.P., MICHAEL MANN, and MERYL  
MANN,

Defendants.

Adv. Pro. No. 10-04390 (SMB)

**DECLARATION OF NICHOLAS J. CREMONA IN SUPPORT OF TRUSTEE'S  
MEMORANDUM OF LAW IN SUPPORT OF MOTION *IN LIMINE* TO EXCLUDE  
TESTIMONY AND EXHIBITS RELATED TO DEFENDANTS' ASSERTED TAX  
OBLIGATIONS TO GOVERNMENTAL TAXING AUTHORITIES AND ACCRUED  
INTEREST ON PRINCIPAL DEPOSITS WITH BLMIS**

I, Nicholas J. Cremona, declare the following:

1. I am a Partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard, as trustee ("Trustee") for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll*, and the chapter 7 estate of Bernard L. Madoff.

2. I submit this Declaration in support of the Trustee's Motion *in Limine* to Exclude Testimony and Exhibits Related to Defendants' Asserted Tax Obligations to Governmental Taxing Authorities and Accrued Interest on Principal Deposits with BLMIS.

3. Attached hereto as Exhibit A is a true and correct copy of an excerpt of the May 8, 2019 transcript of the trial in *Picard v. Nelson*, Adv. Pro. Nos. 10-04377 (SMB), 10-04658 (SMB) (Bankr. S.D.N.Y. May 8, 2019), ECF No. 193.

4. Attached hereto as Exhibit B are true and correct copies of Defendants' Preliminary Proposed Exhibit Nos. 18-A ("BAM Investment Returns 9% Chart") and 19-A ("Mann Investment Returns 9% Chart").

Pursuant to 28 U.S.C. § 1746 (2), I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Dated: June 17, 2020  
New York, New York

Respectfully submitted,  
BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona  
Nicholas J. Cremona